

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Arthur Ray Willoughby,

Plaintiff,

vs.

Dr. John Hagan, N.D.S.P.,

Defendant.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 1:13-cv-054

The Plaintiff, Arthur Ray Willoughby, is an inmate at the North Dakota State Penitentiary. He initiated this 42 U.S.C. § 1983 civil rights action against Dr. John Hagan for deliberate indifference to his serious medical needs in May 2013. See Docket No. 7. On June 6, 2014, the Defendant filed a motion for summary judgment. See Docket No. 24. The motion was referred to Magistrate Judge Charles S. Miller, Jr. for a Report and Recommendation. The Plaintiff filed a response to the motion on August 12, 2014. See Docket No. 28. Judge Miller issued his Report and Recommendation in which he recommended granting the Defendant's motion on August 12, 2014. See Docket No. 29. The parties were given fourteen (14) days to file any objections to the Report and Recommendation. No objections were filed. The Plaintiff submitted a letter to the Court on August 20, 2014, wherein he made additional objections to the course of treatment prescribed by Dr. Hagan but he did not specifically reference the Report and Recommendation.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. The record does not evidence any deliberate indifference by Dr. Hagan.

Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 29) in its entirety. The Defendant's motion for summary judgment (Docket No. 24) is **GRANTED** and the

action is dismissed with prejudice. Let judgment be entered accordingly.

IT IS SO ORDERED.

Dated this 5th day of September, 2014.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge
United States District Court